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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Joan ESCAMILLA-Nazarh,** Defendant	Magistrate Docket No. '08 MJ 0249 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 27, 2008** within the Southern District of California, defendant, **Joan ESCAMILLA-Nazarh,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **JANUARY 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Joan ESCAMILLA-Nazarh

PROBABLE CAUSE STATEMENT

On January 27, 2008, Border Patrol Agent C. Lopez and Agent J. Schulick were conducting line watch operations in the Imperial Beach area of operations. At approximately 5:25 a.m., the dispatch center reported a seismic sensor activation in an area known as the Blue Barn. This area is approximately one mile east of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/Mexico International Border. The agents then received a report from the Remote Video Surveillance System (RVSS) center, of a person running north near the Blue Barn.

The agents responded to the scene and discovered one pair of foot prints and tracked them into some brush. The agents identified themselves as U.S. Border Patrol Agents and conducted an immigration inspection. The individual later identified as the defendant **Joan ESCAMILLA-Nazarh**, freely admitted to being a citizen and national of Mexico illegally present in the United States. At approximately, 5:55 a.m., Agent Schulick arrested the defendant and subsequently transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 13, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. He stated his intended destination was Oakland, California.